

## **STATEMENT OF OKLAHOMA OPEN MEETING LAW COMPLIANCE**

Notice of this Special Meeting was filed with the Secretary of State's office in compliance with the Open Meeting Act.

The Agenda was posted at least 24 hours in advance of the meeting, in compliance with the Open Meeting Act. It was posted on the Commission website and at 1915 N. Stiles Ave., Oklahoma City, Oklahoma, the Commission's principal office.

### **MINUTES OF THE JANUARY 18, 2023 SPECIAL MEETING OF THE WORKERS' COMPENSATION COMMISSION FOR THE STATE OF OKLAHOMA**

The members of the Workers' Compensation Commission for the State of Oklahoma met at 1915 N. Stiles Ave., Oklahoma City, Oklahoma, on January 18, 2023.

Members Present: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

Others in attendance on behalf of the Commission: Alexander Watkins and Lauren Hammonds Johnson.

After roll was taken, Chairman Russell announced the presence of a quorum. The meeting was called to order at approximately 2:00 p.m.

**A. The Commissioners will observe and may participate in the Self-insurance Guaranty Fund Board discussion of the following agenda items 1-13, but no action will be taken by the Commission:**

1. Board roll call and determination of quorum.
2. Workers' Compensation Commission roll call and determination of quorum.
3. Introduction of guests.
4. Discussion and approval of the October 19, 2022, Board minutes.
5. Legislative update by Commissioner Biggs, discussion, and possible action.
6. Andrea Delling update, discussion and possible action as to general finances, including:
  - a. ACH Deposits
  - b. Account Values
  - c. OMES Budget
  - d. How payments are going on 701 Accounts
  - e. Operating Budget FY2022

7. Discussion regarding the SIGFB's attendance of the Self-insured Guaranty Funds of America's 2023 National Meeting.
8. Third Party Administrator **Combined Report** as to Self-insurance Guaranty Fund Claims and Trust Cases:

**8a. Self-Insurance Guaranty Fund Report** of claims arising pursuant to statutory authority of the Self-Insurance Guaranty Fund Board for the private employers approved to participate in the self-insurance program designated by account number of 675 and residual account 705. Effective November 1, 2019, 85A O.S. Section 98 requires the use of the **net fund balance** technique rather than the prior **cash fund balance** method to initiate an assessment of the Self-Insureds. There will be a general report of the Third Party Administrator including a financial summary, discussion and possible action by the Board.

**8b. Trust Cases Report** – These cases have been assigned to the Board by the Workers' Compensation Commission for administration of employer funds held by the Commission in individual employer trust accounts designated by account number 701. There will be a general report of the Third Party Administrator including a financial summary, discussion and possible action by the Board.

**8c. Trust Cases Report** – Discussion and possible action under, 85A O.S. Section 99, providing for the **transfer of "excess proceeds"** of 701 account balances to the Self-Insured Guaranty Fund account 675/705. Mr. Fisher will report on the claims analysis of older 701 accounts. Mr. Fisher will report his findings and make recommendations to transfer certain funds to the **Self-Insurance Guaranty Fund**. Based on this determination, the Oklahoma Self-Insurance Guaranty Fund will be making application for statutory transfer of these excess proceeds from the Oklahoma Workers' Compensation Commission to the Oklahoma Self-Insurance Guaranty Fund pursuant to 85A O.S. § 99(B).

None this meeting.

Interested parties may address the Board and/or present information in writing as to whether the excess proceeds should or should not be transferred to the Self-insurance Guaranty Fund.

9. Possible adjournment of the Workers Compensation Commission.
10. Proposed Executive Session pursuant to 25 O.S. 2011, § 307(B)(4) to discuss and vote on the following:
  - a. Individual **Trust Cases** which have been assigned to the Board by the Workers' Compensation Commission for administration of employer funds held by the Commission in individual employer trust accounts designated by account number 701:

**General Motors, claims by employees:**

Billy Thomas  
Judy Smith  
Lupy Goodlin  
Jo Ann Waltrip  
Opal Cade

**Texoma Peanut, claims by employees:**

Lloyd Ormand

**Food Industry Group #75199, claims by employees:**

Verna Fisher vs Pruett Foods

**Penloyd LLC # 19456, claims by employees:**

Terry Stalnecker

**Southwestern Bell, claims by employees:**

Konstance Mitchell CC# 1985-2464A

**BFN Operations, claims by employees:**

Maria Garcia

**Tri-B Nursery, claims by employees:**

Ignacio Belmonte

- b. Inquiry from Oak Point Partners, Inc., regarding the purchase of residual assets of the following employers held in trust account 705:

**BFN Operations, LLC, Asset Purchase Agreement dated 9-1-2020**

**Ventures Stores, Inc., Asset Purchase Agreement dated 9-28-2021**

**Consolidated Freightways Corporation, et al., Asset Purchase Agreement dated 9-1-2012**

- c. Claims against the **Self-insurance Guaranty Fund** designated by account number 675 and residual account 705:

**Employee**

Joe Ortiz  
Lonnie Swarer  
Raymond Vier

**Employer**

Ark Ramos  
Big Four Foundries  
Farm Fresh Inc

Harlin Sanders  
Cindy Nickell-Hutchins  
Howard Barnes  
Robin Johnson  
Pam Crain  
Konstance Mitchell

Hale Halsell  
JP Emco  
Passmore  
Thornapple Valley  
Thornapple Valley  
Southwestern Bell

- (A) Vote to enter executive session.
- (B) Discussion in executive session.
- (C) Vote to return to open session.
- (D) Possible vote regarding any actions on any case discussed in Executive Session.

- 11. Discussion and possible action regarding minutes of executive sessions.
- 12. Comments from Board Members.
- 13. Adjournment

**B. ADJOURNMENT of the Commission**

*Motion:* Chairman Russell moved to adjourn.

*Second:* Commissioner Biggs.

Those voting aye: Chairman Russell and Commissioner Biggs.

*The motion carried. The meeting adjourned at 1:20 p.m.*